

EXHIBIT 6

		Page 1	Page 3
1	IN THE UNITED STATES DISTRICT COURT	1	I N D E X
2	FOR THE NORTHERN DISTRICT OF ILLINOIS	2	
3	EASTERN DIVISION	3	GUISSEPPE DiMAGGIO PAGE
4	SERGEY MAYOROV,)	4	Direct by Mr. Rajadurai 4
5	Plaintiff,)	5	
6	vs.) No. 13 CV 5249	6	
7	UNITED STATES OF AMERICA) Judge Pallmeyer	7	
8	Defendant.)	8	
9		9	
10	VOLUME II	10	EXHIBITS
11		11	
12	The deposition of GUISSEPPE DiMAGGIO,	12	DiMAGGIO ID
13	called by the Plaintiff for examination, taken	13	1 - 6/10/14 Central Index System - ID
14	pursuant to notice and pursuant to the Federal	14	Search/Display 12
15	Rules of Civil Procedure for the United States	15	3 - 3/8/11 Central Index System - ID
16	District Courts pertaining to the taking of	16	Search/Display 9
17	depositions, taken before Donna Wadlington	17	
18	Shavers, a Certified Shorthand Reporter, at	18	
19	208 South LaSalle Street, Suite 1300, Chicago,	19	
20	Illinois, on the 18th day of July, 2014,	20	
21	commencing at approximately the hour of 10:04	21	
22	a.m.	22	
23		23	
24		24	
		Page 2	Page 4
1	APPEARANCES:	1	(Witness duly sworn.)
2		2	GUISSEPPE DiMAGGIO,
3	LITTLER MENDELSON, P.C.	3	called as a witness herein, having been first
4	BY: ABIMAN RAJADURAI, ESQ.	4	duly sworn, was examined and testified as
5	321 North Clark Street, Suite 1000	5	follows:
6	Chicago, Illinois 60654	6	DIRECT EXAMINATION
7	(312) 372-5520	7	BY MR. RAJADURAI:
8	arajadurai@littler.com	8	Q. Good morning again, Mr. DiMaggio.
9	- and -	9	A. Good morning.
10	NATIONAL IMMIGRATION JUSTICE CENTER	10	Q. Hopefully we can keep this short and
11	BY: MARK M. FLEMING, ESQ.	11	sweet.
12	208 South LaSalle Street, Suite 1300	12	Figure I'd run through the
13	Chicago, Illinois 60604	13	ground rules again. I'll ask the questions.
14	(312) 660-1628	14	Allow you to answer. Try not to speak over me
15	mfleming@heartlandalliance.org	15	or -- so she can keep a clear record. And then
16	Appeared on behalf of the Plaintiff.	16	say yes or no or answer verbally so that she can
17		17	write that down.
18	ILLINOIS-EASTERN DIVISION OF THE	18	A. (Nodding.)
19	NORTHERN DISTRICT OFFICE OF THE	19	Q. So I guess I'll start.
20	UNITED STATES ATTORNEY	20	Are you aware of the Child
21	BY: JAMES M. KUHN, ESQ.	21	Citizenship Act of 2000?
22	ASSISTANT UNITED STATES ATTORNEY	22	A. Yes.
23	219 South Dearborn Street, Suite 500	23	Q. And when did you first become aware of
24	Chicago, Illinois 60604	24	that?

	Page 5	Page 7
<p>1 A. At the academy.</p> <p>2 Q. Okay. And do you remember what year</p> <p>3 that would have been?</p> <p>4 A. 2009.</p> <p>5 Q. Okay.</p> <p>6 And what is your</p> <p>7 understanding -- and we'll call it the CCA.</p> <p>8 What is your understanding of the CCA?</p> <p>9 A. Well, to facilitate the acquisition of</p> <p>10 U.S. citizenship of foreign-born children of</p> <p>11 U.S. citizens and certain requirements have to</p> <p>12 be met.</p> <p>13 Q. Do you know what those requirements</p> <p>14 are?</p> <p>15 A. They have to be under the age of 18.</p> <p>16 They have to be lawfully admitted into the</p> <p>17 United States. They have to have one or both</p> <p>18 parents U.S. citizens, and they have to</p> <p>19 physically live in a legal address of their</p> <p>20 parents.</p> <p>21 Q. And going back to the academy, what</p> <p>22 kind of training did you receive on this topic,</p> <p>23 of the CCA?</p> <p>24 A. What do you mean what kind of</p>	<p>1 Q. Do you remember what the other topics</p> <p>2 were?</p> <p>3 A. No.</p> <p>4 Q. Did you receive any other follow-up</p> <p>5 training during your time working with detainees</p> <p>6 and issuing detainees on this topic?</p> <p>7 A. Not that I remember.</p> <p>8 Q. Do you remember ever receiving any</p> <p>9 updated, hard-copy materials or emails about the</p> <p>10 CCA?</p> <p>11 A. I don't remember.</p> <p>12 Q. You mentioned that one of the</p> <p>13 requirements is for the minor to be a lawful,</p> <p>14 permanent resident. How would you go about</p> <p>15 determining that information of whether an</p> <p>16 individual is a lawful, permanent resident?</p> <p>17 A. Record checks.</p> <p>18 Q. And what checks would those be?</p> <p>19 A. Checks in CIS, claims.</p> <p>20 Q. And would you run those checks</p> <p>21 yourself or do you get that information from</p> <p>22 someone else?</p> <p>23 A. I would run it myself, and at that</p> <p>24 time we were provided hard copies from the</p>	
<p>1 training?</p> <p>2 Q. Was it hard-copy materials or a</p> <p>3 training seminar or a lecture?</p> <p>4 A. We were given hard-copy material.</p> <p>5 Q. Do you remember who gave that to you?</p> <p>6 A. No.</p> <p>7 Q. Did you receive any sort of, I guess,</p> <p>8 verbal teaching for the lecture or any sort of</p> <p>9 video?</p> <p>10 A. Verbal teaching, yes.</p> <p>11 Q. Was that also at the academy?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know how long that training</p> <p>14 was?</p> <p>15 A. No.</p> <p>16 Q. Was it part of a larger training or</p> <p>17 was it a separate, individual training just on</p> <p>18 the CCA?</p> <p>19 A. It was not individual. It was maybe</p> <p>20 like 20 people in our class.</p> <p>21 Q. I guess that saying, was that the only</p> <p>22 topic as part of that specific training or was</p> <p>23 it part of a larger group of topics?</p> <p>24 A. Part of a larger group of topics, yes.</p>	Page 6	Page 8

Page 9	Page 11
<p>1 shorter for this one. 2 (WHEREUPON, DiMaggio 3 Exhibit No. 3 was remarked for 4 identification on 7/18/14.)</p> <p>5 BY MR. RAJADURAI:</p> <p>6 Q. Are you familiar with this document? 7 A. Yes. 8 Q. And what would this document be? 9 A. It's a document from CIS. This 10 basically shows the status of the subject, the 11 class of admission, point of entry, date of 12 birth. 13 Q. And what does it provide for 14 Mr. Mayorov's date of birth on this document? 15 A. Date of birth shows 10/15/1990. 16 Q. Okay. And what is the code "COA"? 17 What does that stand for? 18 A. Class of admission. 19 Q. Okay. And where it says "AS8" for his 20 class of admission, do you know what that stands 21 for? 22 A. I believe that's --</p> <p>23 MR. KUHN: This, it being a follow-up 24 deposition, is limited to his familiarity with</p>	<p>1 U.S. citizenship before his 18th birthday, 2 before issuing a detainer? 3 A. Yes. 4 Q. Okay. 5 You previously testified that 6 a name search for a CIS entry would pick up 7 aliases for other individuals -- other names, 8 correct? 9 A. Yes. 10 Q. Do you recall running a search for the 11 plaintiff's mother's or father's CIS entry? 12 A. Yes. 13 We usually run their mother 14 and their parents name in CIS to see if they 15 are, you know, U.S. citizens. 16 Q. Okay. 17 A. This is a 2010 case. 2011 I can't 18 really, you know, for sure say yes, I did that 19 but... 20 Q. Sure. Absolutely. 21 And do you run those searches 22 to identify whether there is a potential 23 citizenship issue with the CCA? 24 A. Yes, we do.</p>
<p>1 the Child Citizenship Act of 2000. If you want 2 to ask questions I'll -- I don't want you going 3 over all the stuff we went over before. 4 MR. RAJADURAI: Oh, this will be 5 pretty quick. This will tie into that. 6 MR. KUHN: Okay. 7 THE WITNESS: AS8, I believe that's 8 the child of an asylee. 9 BY MR. RAJADURAI: 10 Q. And does this document show that 11 Sergey became a lawful, permanent resident? 12 A. Yes, it does. 13 Q. And where is that? 14 A. That's by the country of admission. 15 It says child of asylee. 16 Q. And is the plaintiff's mother's 17 original name provided on this document? 18 A. Mother's first name, yes. I don't 19 know if it's the original name, but I see 20 mother's first name. 21 Q. Okay. 22 And based on the information 23 in this document, would you have investigated 24 further to determine if his parents had obtained</p>	<p>1 Q. And would a record of that search 2 appear in the deportation report, the secured 3 communities report? 4 A. If a copy was printed, yes. 5 MR. RAJADURAI: Let's refer to another 6 exhibit here. This is a new one. We can call 7 this 1. 8 (WHEREUPON, DiMaggio 9 Exhibit No. 1 was marked for 10 identification on 7/18/14.) 11 BY MR. RAJADURAI: 12 Q. Are you familiar with this document? 13 Have you seen this before? 14 A. Yes, the CIS. 15 Have I seen this particular? 16 I don't know. But yes, I'm familiar with this 17 data. Yes. 18 Q. And does the plaintiff's mother, Tanya 19 May's original name appear on this document? 20 A. Well, it shows first name Tanya. 21 Again, I don't know if that's her original name. 22 Q. I guess the same thing on this 23 document. The COA stands for class of 24 admission?</p>

Page 13	Page 15
<p>1 A. COA, yes, class of admission.</p> <p>2 Q. So in this case this would provide</p> <p>3 that Tanya May, alias Mayorova, was a U.S.</p> <p>4 citizen?</p> <p>5 A. Correct.</p> <p>6 Q. And does this document provide when</p> <p>7 the individual became a citizen?</p> <p>8 A. Yes.</p> <p>9 Q. And where is that?</p> <p>10 A. It says "NATZ DATE" on the top right</p> <p>11 corner.</p> <p>12 Q. And based on that information, does</p> <p>13 that provide the plaintiff's mother became a</p> <p>14 U.S. citizen before Mr. Mayorov turned 18?</p> <p>15 A. Yes.</p> <p>16 Q. And does this document show any alias</p> <p>17 names for Tanya May?</p> <p>18 A. Yes.</p> <p>19 Q. And what is that?</p> <p>20 A. Mayorova.</p> <p>21 Q. So if you ran -- I'm sorry.</p> <p>22 And then what about her first</p> <p>23 name? Any aliases there also?</p> <p>24 A. Yes. Tatyana.</p>	<p>1 requirements of the CCA you can identify the</p> <p>2 right information in any order that you want?</p> <p>3 A. Yes, I guess.</p> <p>4 Q. Would you -- based on this information</p> <p>5 would you have interviewed the plaintiff's</p> <p>6 mother in this case?</p> <p>7 MR. KUHN: When?</p> <p>8 MR. RAJADURAI: After reviewing the</p> <p>9 CIS entry --</p> <p>10 MR. KUHN: Before entering the</p> <p>11 detainer or after?</p> <p>12 MR. RAJADURAI: Before. Before.</p> <p>13 THE WITNESS: Before entering the</p> <p>14 detainer?</p> <p>15 MR. RAJADURAI: Yes.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. RAJADURAI:</p> <p>18 Q. And why not?</p> <p>19 A. Because he's not in our custody.</p> <p>20 Q. How would you determine her address</p> <p>21 otherwise?</p> <p>22 A. I'd have to talk to the subject once</p> <p>23 they come to our custody and find out.</p> <p>24 Q. And did you have an opportunity to do</p>
<p>1 Q. And that matches the name from</p> <p>2 Exhibit 3 that you looked at before for his</p> <p>3 mother's name?</p> <p>4 A. Correct.</p> <p>5 Q. So based on the information on these</p> <p>6 two CIS entries, would you be concerned about</p> <p>7 issuing a detainer to Mr. Mayorov?</p> <p>8 A. We still have to investigate because,</p> <p>9 as I said, they have to live physically, you</p> <p>10 know, in the same address where the parents</p> <p>11 lived. So we still have to investigate to see</p> <p>12 if he was eligible to become a U.S. citizen or</p> <p>13 to derive.</p> <p>14 Q. And is that also part of the CCA check</p> <p>15 then to find if they live at the same address?</p> <p>16 A. Yes. That's one of the requirements.</p> <p>17 Q. Is there any order in which you</p> <p>18 investigate the different elements of the CCA?</p> <p>19 A. Not that I know of.</p> <p>20 Q. Okay.</p> <p>21 A. The detainer, like I said, it's not</p> <p>22 to -- the investigation starts when they come to</p> <p>23 our custody.</p> <p>24 Q. Okay. So I guess in all the</p>	<p>1 that in this case?</p> <p>2 A. No. That is what the detainer does.</p> <p>3 It gives us a chance to talk to him to find out</p> <p>4 whether or not he's, you know, a U.S. citizen.</p> <p>5 Q. Okay.</p> <p>6 And then turning back just</p> <p>7 generally to the CCA. Does an individual that</p> <p>8 derives citizenship through the CCA, do they</p> <p>9 have to file an application or paperwork to</p> <p>10 become a U.S. citizen?</p> <p>11 A. I don't know if they do have to file</p> <p>12 paperwork. They could just derive. I think</p> <p>13 they can just derive citizenship and they are a</p> <p>14 citizen.</p> <p>15 Q. Okay.</p> <p>16 Is there any requirement that</p> <p>17 you have to inquire into a parents' citizenship</p> <p>18 status if a person is born after the date to</p> <p>19 qualify for the CCA?</p> <p>20 A. Can you repeat that.</p> <p>21 Q. Sure.</p> <p>22 Is there any requirement that</p> <p>23 you have to inquire, do a search on the parents'</p> <p>24 citizenship if an individual is born after the</p>

	Page 17	Page 19
<p>1 date the CCA applies? 2 A. After the date? 3 MR. KUHN: I'll object to form of the 4 question. But you can go ahead and answer it, 5 if you can. 6 MR. RAJADURAI: I guess I can rephrase 7 -- 8 THE WITNESS: Can you repeat the 9 question. 10 BY MR. RAJADURAI: 11 Q. Sure. 12 So I guess based on the CIS 13 entry that you see and there is a date about the 14 age of the individual and they are not 18 yet, 15 are you required to then inquire into the 16 parents' citizenship to determine whether they 17 qualify for the CCA? 18 A. I don't know if I am required. 19 Q. Okay. 20 A. We do -- we do check the information 21 of the parents and try to figure it out whether 22 or not there is a possibility that the child 23 derived citizenship. 24 Q. Let me ask it a different way.</p>	<p>1 individual subject under 18 and an LPR, would 2 this scenario caution against issuing a detainer 3 before you could determine the parents' 4 citizenship? 5 A. Yes. 6 Q. And what would you do to, I guess, 7 alleviate that concern, get rid of that concern? 8 A. I would do my database. I would look 9 into the database and try to find out, you know, 10 if the parents' naturalized and what year they 11 naturalized and determine whether or not, you 12 know, there's a possibility that they could've 13 derived citizenship. 14 Q. Okay. 15 I guess under what 16 circumstances would you decide whether a subject 17 had derived citizenship through the CCA? 18 A. I'd have to have all the information 19 in front of me. I'd have to have proofs that 20 the subject lived in the same address as the USC 21 parent or parents. I'd have to have proof that 22 the, you know, subject's parents have 23 naturalized before the subject turned 18. I'd 24 have to have proof that the subject was legally</p>	
<p>1 So let's say the child is 2 under 18 and an LPR based on what you see. Are 3 you then required to investigate whether the 4 parent is a citizen? 5 A. Again, I don't know if we are 6 required. 7 Q. In what circumstances would you 8 look -- inquire into the parents' citizenship 9 status since you are not required? 10 A. In this case we do look for -- we do 11 check their parents' class of admission and 12 whether or not they're a citizen. So I guess if 13 the subject is an LPR, we do -- we check if 14 their parents are citizens. 15 Q. Okay. 16 And do you know if that's part 17 of any written materials that you have are the 18 requirements or are you just told? 19 A. I'm not sure. 20 Q. And would that be recorded anywhere if 21 you investigated into the parents' citizenship 22 prior to issuing the detainer? 23 A. I don't know. 24 Q. Would a scenario where you saw an</p>	<p>1 admitted into the United States. 2 Q. So in those cases where you are trying 3 to determine if the CCA applies, are you the one 4 required to find all that information out? 5 MR. KUHN: Again, are you talking 6 about during an investigation or before -- 7 MR. RAJADURAI: Prior. These 8 questions -- 9 MR. KUHN: Before issuing a charging 10 document or before issuing a detainer? 11 MR. RAJADURAI: This will all be prior 12 to issuing the detainer. 13 THE WITNESS: Prior of issuing a 14 detainer? 15 MR. RAJADURAI: Yeah. 16 THE WITNESS: I'm not required of 17 doing that. 18 MR. RAJADURAI: Okay. 19 BY MR. RAJADURAI: 20 Q. Would there ever be a circumstance 21 where you would issue a detainer without having 22 information about a parents' citizenship status 23 for an individual who may qualify under the CCA? 24 A. Repeat that.</p>	Page 20

	Page 21	Page 23
1	Q. Sure.	1 MR. RAJADURAI: That's all I've got.
2	For an individual who might	2 MR. KUHN: Okay. Thank you. We will
3	derive citizenship through the CCA, if you don't	3 reserve.
4	have information about the parents' citizenship	4 THE WITNESS: Thank you.
5	status, would you still issue a detainer?	5 (WHEREUPON, a discussion
6	A. Yes.	6 was held off the record.)
7	Q. And under what -- and why would you do	7 THE REPORTER: Would you like a
8	that? Under what circumstances?	8 transcript?
9	A. To do an investigation.	9 MR. RAJADURAI: Yes. I would like a
10	Q. And so after you've issued the	10 PDF transcript.
11	detainer, you would conduct an investigation	11
12	into the parents' citizenship status?	12 (WHEREUPON, the deposition
13	A. When the subject is in our custody.	13 concluded at 10:26 a.m.)
14	Q. Okay. And do you recall if you did	14
15	that in this case?	15
16	A. Subject was never in our custody.	16
17	Q. Okay.	17
18	In other cases when the	18
19	subject is in your custody, what steps do you	19
20	take under the --	20
21	A. I have never worked for the criminal	21
22	alien program yet, so I can't answer for that.	22
23	Q. Okay.	23
24	In your time issuing	24
	Page 22	Page 24
1	detainers, which I believe was 2009 to 2013, how	1 IN THE UNITED STATES DISTRICT COURT
2	many individuals did you encounter that you	2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3	thought may have derived citizenship through the	3 EASTERN DIVISION
4	CCA?	4 SERGEY MAYOROV,)
5	A. Don't know.	5 Plaintiff,)
6	Q. Any estimate? 10, 15, a hundred?	6 vs.) No. 13 CV 5249
7	A. I really -- I don't know.	7 UNITED STATES OF AMERICA) Judge Pallmeyer
8	Q. Sure.	8 Defendant.)
9	Do you recall issuing	9
10	detainers against any individuals who ultimately	10 VOLUME II
11	did derive citizenship through the CCA?	11 I hereby certify that I have read the
12	A. I don't.	12 foregoing transcript of my deposition given on
13	Q. Do you recall any other cases where	13 July 18, 2014, consisting of pages 1 through 26,
14	you issued a detainer and then an individual was	14 inclusive, and I do again subscribe and make
15	a U.S. citizen?	15 oath that the same is a true, correct and
16	A. There might have been a couple times	16 complete transcript of my deposition given as
17	where we had to lift the detainer.	17 aforesaid, with corrections, if any, appearing
18	Q. And do you know what reason the	18 on the attached correction sheet(s).
19	detainer was lifted?	19 _____ Correction sheet(s) attached.
20	A. We were provided with a birth	20
21	certificate.	21
22	Q. And then did you have to cancel the	22 Subscribed and sworn to
23	detainer? Is that the official --	23 before me this _____ day
24	A. Yes.	24 of _____, 2014.
		23 Notary Public
		24

Page 25

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K)SS:
3

4 I, DONNA WADLINGTON SHAVERS,
5 Certified Shorthand Reporter within and for the
6 County of Cook and State of Illinois, do hereby
7 certify that heretofore, to-wit, on the 18th day
8 of July, 2014, personally appeared before me at
9 208 South LaSalle Street, Suite 1300, in the
10 City of Chicago, County of Cook and State of
11 Illinois, GIUSEPPE DiMAGGIO, produced as a
12 witness for examination in said cause.

13 I further certify that the
14 said witness, GIUSEPPE DiMAGGIO, was by me first
15 duly sworn to testify the truth, the whole truth
16 and nothing but the truth in the cause aforesaid
17 before the taking of the examination under oath;
18 that the testimony was reduced to writing in the
19 presence of said witness by means of machine
20 shorthand and afterwards transcribed into
21 typewriting, and that the foregoing is a true
22 and correct transcript of the testimony given by
23 said witness.

24 I further certify that I am

Page 26

1 not counsel for nor in any way related to any of
2 the parties to this suit, nor am I in any way
3 interested in the outcome thereof.

4 I further certify that my
5 certificate annexed hereto applies to the
6 original and court-reporter produced copies of
7 transcripts only. I assume no responsibility
8 for the accuracy of any reproduced copies no
9 made under my control or direction.

10 In testimony whereof, I have
11 hereunto set my hand this 27th day of July,
12 2014.

13

14

15

16

17 _____
18 DONNA WADLINGTON SHAVERS
19 CSR No. 084-002443
20

21

22

23

24